Recruitment of Assistant Public Prosecutors.

*Q.—48. Sri Y. DHARMAPPA (Local Authorities' Constituency).—

Will the Government be pleased to state:—

(*a*) whether it is a fact that the previous Government had decided to recruit Assistant Public Prosecutors from amongst the active lawyers in the place of Sub-Inspectors working as such;

(*b*) the action they contemplate to take in this matter?

A.—Sri B. VAIKUNTA BALIGA (Minister for Labour and Legal Affairs).—

(*a*) Yes, for conducting criminal cases in the First Class Magistrates' Courts.

(*b*) The matter is under the active consideration of the Government.

Sri M. L. SREEKANTIAH.—How long will it take to implement this policy of appointing Advocates as Assistant Public Prosecutors?

Sri B. VAIKUNTA BALIGA.—I can assure the Hon'ble Member that the time that will be taken will be reduced to the irreducible minimum. There are two principles here. One is the claim of officers of the Police Department that they must have some sort of promotion and that the experience that they have gained may be very useful for working as Assistant Public Prosecutors. There is also the question of direct recruitment because it is recognised that the Public Prosecutor should as far as possible not be influenced by the habits and customs formed by a person in the Police Department. We are trying to reconcile these two viewpoints and trying to take the best for the benefit of the public.

Appointment of Advocate-General, Additional and Assistant Advocates-General in the High Court.

*Q—49. Sri Y. DHARMAPPA (Local Authorities' Constituency)).—

Will the Government be pleased to state:—

(*a*) the number of Advocate-General and Additional and Assistant Advocates-General working in the High Court;

(*b*) the respective age of these persons now working;

(*c*) whether there is any age limit fixed for persons appointed to the above posts;

(*d*) what is their term of office;

(*e*) whether they intend to give a change-over to these appointments?

A.—Sri B. VAIKUNTA BALIGA (Minister for Labour and Legal Affairs).—

(*a*) Advocate-General ... One
Assistant Advocate-General ... One
Additional Assistant Advocate-General ... One

(*b*) Sri G.R. Ethirajulu Naidu, Advocate-General ... 57
Sri G. Channappa, Assistant Advocate-General. 57
Sri G. Shankara Chetty, Additional Assistant Advocate-General ... 55

(*c*) No age limit is prescribed for an Advocate-General or for his assistants.

(*d*) 1. Advocate-General—term of office not fixed.

Article 165 (3) of the Constitution: "The Advocate-General will hold office during the pleasure of the Governor."

2. Assistant Advocate-General—till the end of December 1958.

3. Additional Assistant Advocate-General—Term of office 3 years—till 11th May 1959.

(*e*) Does not arise now.

Sri M. L. SREEKANTIAH.—May I know whether in previous years the term of the Advocate General was not fixed? When was the practice given up?

Sri B. VAIKUNTA BALIGA.—If the Hon'ble members mentions anything more precise with regard to the chronological sequence, I will be able to ascertain. I may however say that as mentioned in the answer at present there is no period fixed.

Sri Y. DHARMAPPA.—Has it come to the notice of the Government that all the Advocate Generals previously employed had a definite term fixed, except the present incumbent in office?

Sri B. VAIKUNTA BALIGA.—May I invite Hon'ble member's attention to Article 165 (3) and it is in accordance with this Article that the present appointment has been made. Neither the age nor the period of appointment is fixed under the said Article.

Sri Y. DHARMAPPA.—When were Government Pleaders recruited?

Sri B. VAIKUNTA BALIGA.—They were appointed very recently. If the member wants the exact date, I can furnish it after ascertaining it.

Sri Y. DHARMAPPA.—What is the basis on which these Government Pleaders were appointed?

Sri B. VAIKUNTA BALIGA.—The need of the Government to have their services, their competency and ability to work efficiently.

Sri Y. DHARMAPPA.—What is the method adopted to measure the ability or the qualification of the persons recruited to the posts? Was any information called for either from the District Judge or from the High Court on the merits and demerits and qualifications of the officers appointed?

Sri B. VAIKUNTA BALIGA.—There is no statutory or mandatory provision to determine the particular requirements of a post. The Government Pleaders have to attend to the litigation involving Government and every attempt has been made to see that competent men from among those that desire to serve the Government are selected and at times the appointments are made in consultation with the Presiding officers of the courts or the High Court where they have to function.

Sri Y. DHARMAPPA.—What is the precise nature of material available with the Government to determine the competency of the persons who have now been recruited?

Sri B. VAIKUNTA BALIGA.—Their standing at the Bar and the manner in which they have handled cases and got candisuccess for the clients.

Sri Y. DHARMAPPA.—Was any statistics with respect to the number of cases they handled, either civil or criminalor in High Court work, collected? Was any material available for determining preferential choice given to the dates recruited?

Sri B. VAIKUNTA BALIGA.—It is rather difficult to find out the exact number of cases they have handled. At time they appear in their own cases and at times they take up a case on behalf of others. But the length of an individual's experience at the Bar, the tone which he maintains and the traditions he has built in the course of the profession are things which are usually well-known.

Sri Y. DHARMAPPA.—May I know whether in order to ascertain the tone of the advocacy he has maintained at the Bar and also the length of the period he has worked, any information was called for from the Presiding Officers of the courts and the High Court?

Sri B. VAIKUNTA BALIGA.—It is not necessary to get the information in every case?

Sri M. P. L. SASTRY.—It has been stated that no age-limit is prescribed. Does it mean that persons beyond the age prescribed for judges could be appointed?

Sri B. VAIKUNTA BALIGA.—The Hon'ble member is aware of the Articles of the Constitution. So far as the High Court Judges are concerned, the Constitution itself provides 60 years as the age limit. But in regard to the Advocate General I have pointed out the relevant Article of the Constitution. There is no age-limit prescribed for the Advocate General. But this question has been the subject matter of a decision in the Nagpur High Court where it has been held that there is no age-bar so far as the Advocate General is concerned.

Mr. CHAIRMAN.—We will take up Short Notice Question No. 6.